

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

-----X
IN RE:

MOHAMMAD MOINUDDIN

Debtor,
-----X

Case No. 1-20-40970-nhl

NOTICE OF MOTION

Chapter 13

Motion by:

WILLIAM WHALEN, ESQ., KAREN A. ROBINSON, of
Counsel, DC 37 MUNICIPAL EMPLOYEES LEGAL
SERVICES PLAN, Attorneys for Debtor

Date and Time:

August 19, 2020 at 11:30 a.m. or as soon thereafter as
counsel can be heard,

Place:

UNITED STATES BANKRUPTCY COURT
271 Cadman Plaza East, Brooklyn, New York
Court Room 3577

Judge:

The Honorable Nancy Hersey Lord

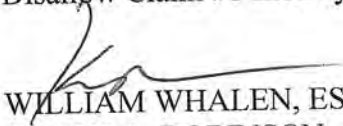
Supporting Papers:

Affirmation of Karen A. Robinson, dated July 14, 2020

Relief Demanded:

Disallow Claim #1 filed by Rafolin Corp.

Dated: New York, New York
July 14, 2020


WILLIAM WHALEN, ESQ.
KAREN A. ROBINSON, of Counsel
Attorneys for Debtor
DC 37 MUNICIPAL EMPLOYEES LEGAL
SERVICES PLAN
55 Water Street, 23rd Floor
New York, New York 10041
(212) 815-1860

Marianne De Rosa
Office of the Chapter 13 Trustee
100 Jericho Quadrangle – Suite 127
Jericho, New York 11753

Rafolin Corp.
c/o Hankin & Mazel, PLLC
60 Cutter Mill Road- Suite 505
Great Neck, New York 11021

Office of the United States Trustees
Eastern District of New York (Brooklyn)
U.S. Federal Office Building
201 Varick Street – Suite 1006
New York, New York 10014

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

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IN RE:

MOHAMMAD MOINUDDIN

Debtors,
-----X

Case No. 1-20-40970-nhl

Chapter 13

ATTORNEY'S AFFIRMATION

KAREN ROBINSON, an attorney duly admitted to practice before this court, affirms the following under penalty of perjury:


1. I am the attorney for the debtor in the above case and I am making this affirmation in support of a motion objecting to claim (#1) filed herein by Rafolin Corp.
2. This is a core proceeding pursuant to 28 USC §157.
3. Debtor filed his bankruptcy petition on February 18, 2020.
4. This is a motion objecting to claim #1 pursuant to 11 U.S.C. 502 (b) and Bankruptcy Rule 3007.
5. On or about March 26, 2020, Rafolin Corp. filed a claim in this proceeding in the amount of \$55,808.01. (See Exhibit "A")
6. Pursuant to the provisions of Bankruptcy Rule 3001 (b) said claim should be stricken for a number of reasons:
 - a) Rafolin Corp. claims this is a debt secured by the debtor's principal residence but has failed to file and attach a Mortgage Proof of Claim Attachment (official form 410 A) with this proof of claim.
 - b) Rafolin Corp. claims to have a statutory claim on the shares but fails to attach proof of such perfection.

- c) Rafolin Corp. has attached no monthly statements or any agreement which might prove the existence of this debt.
- d) Rafolin Corp. has failed to attach any account statement/summary which itemizes their claim and identifies the amount claimed for maintenance and additional maintenance for cooperative apartments pursuant to #8 of the filed proof of claim.

WHEREFORE, it is respectfully requested that this claim be disallowed.

Dated: New York, New York

July 14, 2020



KAREN A. ROBINSON

EXHIBIT "A"

Fill in this information to identify the case:

Debtor 1 MOHAMMAD MOINUDDIN

Debtor 2 _____
(Spouse, if filing)

United States Bankruptcy Court for the: Eastern District of New York

Case number 1-20-40970-NHL

Official Form 410

Proof of Claim

04/19

Read the instructions before filling out this form. This form is for making a claim for payment in a bankruptcy case. Do not use this form to make a request for payment of an administrative expense. Make such a request according to 11 U.S.C. § 503.

Filers must leave out or redact information that is entitled to privacy on this form or on any attached documents. Attach redacted copies of any documents that support the claim, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, judgments, mortgages, and security agreements. Do not send original documents; they may be destroyed after scanning. If the documents are not available, explain in an attachment.

A person who files a fraudulent claim could be fined up to \$500,000, imprisoned for up to 5 years, or both. 18 U.S.C. §§ 152, 157, and 3571.

Fill in all the information about the claim as of the date the case was filed. That date is on the notice of bankruptcy (Form 309) that you received.

Part 1: Identify the Claim

1. Who is the current creditor?	<u>RAFOLIN CORP.</u> Name of the current creditor (the person or entity to be paid for this claim) Other names the creditor used with the debtor _____	
2. Has this claim been acquired from someone else?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. From whom? _____	
3. Where should notices and payments to the creditor be sent? Federal Rule of Bankruptcy Procedure (FRBP) 2002(g)	Where should notices to the creditor be sent? <u>HANKIN & MAZEL, PLLC</u> Name <u>60 CUTTER MILL ROAD, STE 505</u> Number Street <u>GREAT NECK</u> <u>NY</u> <u>11021</u> City State ZIP Code Contact phone <u>516-499-5800</u> Contact email <u>mgoldberg@hankinmazel.com</u>	Where should payments to the creditor be sent? (if different) Name _____ Number Street _____ City State ZIP Code _____ Contact phone _____ Contact email _____ Uniform claim identifier for electronic payments in chapter 13 (if you use one): _____
4. Does this claim amend one already filed?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. Claim number on court claims registry (if known) _____ Filed on MM / DD / YYYY	
5. Do you know if anyone else has filed a proof of claim for this claim?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. Who made the earlier filing? _____	

Part 2: Give Information About the Claim as of the Date the Case Was Filed

6. Do you have any number you use to identify the debtor? ☒ No
☐ Yes. Last 4 digits of the debtor's account or any number you use to identify the debtor: _____

7. How much is the claim? \$ 55,808.01 Does this amount include interest or other charges?
☒ No
☐ Yes. Attach statement itemizing interest, fees, expenses, or other charges required by Bankruptcy Rule 3001(c)(2)(A).

8. What is the basis of the claim? Examples: Goods sold, money loaned, lease, services performed, personal injury or wrongful death, or credit card.
 Attach redacted copies of any documents supporting the claim required by Bankruptcy Rule 3001(c).
 Limit disclosing information that is entitled to privacy, such as health care information.
Maintenance and additional maintenance for cooperative apartment

9. Is all or part of the claim secured? ☐ No
☒ Yes. The claim is secured by a lien on property.
Nature of property:
☒ Real estate. If the claim is secured by the debtor's principal residence, file a *Mortgage Proof of Claim Attachment* (Official Form 410-A) with this *Proof of Claim*.
☐ Motor vehicle
☐ Other. Describe: _____
Basis for perfection: The Coop Corp. has a statutory first lien on the shares.
 Attach redacted copies of documents, if any, that show evidence of perfection of a security interest (for example, a mortgage, lien, certificate of title, financing statement, or other document that shows the lien has been filed or recorded.)
Value of property: \$ 300,000.00
Amount of the claim that is secured: \$ 55,808.01
Amount of the claim that is unsecured: \$ 0.00 (The sum of the secured and unsecured amounts should match the amount in line 7.)
Amount necessary to cure any default as of the date of the petition: \$ 55,808.01
Annual Interest Rate (when case was filed) _____ %
☐ Fixed
☐ Variable

10. Is this claim based on a lease? ☐ No
☒ Yes. Amount necessary to cure any default as of the date of the petition. \$ 55,808.01

11. Is this claim subject to a right of setoff? ☒ No
☐ Yes. Identify the property: _____

12. Is all or part of the claim entitled to priority under 11 U.S.C. § 507(a)?

A claim may be partly priority and partly nonpriority. For example, in some categories, the law limits the amount entitled to priority.

☒ No

☐ Yes. Check one:

☐ Domestic support obligations (including alimony and child support) under 11 U.S.C. § 507(a)(1)(A) or (a)(1)(B).

☐ Up to \$3,025* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use. 11 U.S.C. § 507(a)(7).

☐ Wages, salaries, or commissions (up to \$13,650*) earned within 180 days before the bankruptcy petition is filed or the debtor's business ends, whichever is earlier. 11 U.S.C. § 507(a)(4).

☐ Taxes or penalties owed to governmental units. 11 U.S.C. § 507(a)(8).

☐ Contributions to an employee benefit plan. 11 U.S.C. § 507(a)(5).

☐ Other. Specify subsection of 11 U.S.C. § 507(a)() that applies.

Amount entitled to priority

\$ _____

\$ _____

\$ _____

\$ _____

\$ _____

\$ _____

* Amounts are subject to adjustment on 4/01/22 and every 3 years after that for cases begun on or after the date of adjustment.

Part 3: Sign Below

The person completing this proof of claim must sign and date it. FRBP 9011(b).

If you file this claim electronically, FRBP 5005(a)(2) authorizes courts to establish local rules specifying what a signature is.

A person who files a fraudulent claim could be fined up to \$500,000, imprisoned for up to 5 years, or both. 18 U.S.C. §§ 152, 157, and 3571.

Check the appropriate box:

☐ I am the creditor.

☒ I am the creditor's attorney or authorized agent.

☐ I am the trustee, or the debtor, or their authorized agent. Bankruptcy Rule 3004.

☐ I am a guarantor, surety, endorser, or other codebtor. Bankruptcy Rule 3005.

I understand that an authorized signature on this *Proof of Claim* serves as an acknowledgment that when calculating the amount of the claim, the creditor gave the debtor credit for any payments received toward the debt.

I have examined the information in this *Proof of Claim* and have a reasonable belief that the information is true and correct.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on date 03/26/2020
MM / DD / YYYY

/s/ Matthew L. Goldberg, Esq.

Signature

Print the name of the person who is completing and signing this claim:

Name Matthew Lawrence Goldberg
First name Middle name Last name

Title Attorney

Company Hankin & Mazel, PLLC
Identify the corporate servicer as the company if the authorized agent is a servicer.

Address 60 Cutter Mill Road, suite 505
Number Street
great neck ny 11021
City State ZIP Code

Contact phone 516-499-5800 Email mgoldberg@Hankinmazel.com

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

PRESENTMENT DATE: August 20, 2020
PRESENTMENT TIME: 3:00 p.m.

IN RE

CHAPTER 13

MOHAMMAD MOINUDDIN,

CASE NO. 1-20-40970-nhl

DEBTOR

JUDGE: The Hon. Nancy Hershey Lord

AFFIRMATION OF SERVICE BY MAIL

STATE OF NEW YORK)
)ss:
COUNTY OF ROCKLAND)

I, KAREN A. ROBINSON, an attorney admitted to practice before this court,
being sworn say, I am not a party to this action; I am over 18 years of age, I reside in
Rockland County, New York.

On July 15, 2020 I served the within Motion to Disallow a Claim upon:

TO: Rafolin Corp.
c/o Hankin & Mazel, PLLC
60 Cutter Mill Road- Suite 505
Great Neck, New York 11021

Marianne De Rosa
Office of the Chapter 13 Trustee
100 Jericho Quadrangle – Suite 127
Jericho, New York 11753

Office of the United States Trustees
Eastern District of New York (Brooklyn)
U.S. Federal Office Building
201 Varick Street – Suite 1006
New York, New York 10014



Karen A. Robinson

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

Case No. 1-20-40970-nhl

IN RE

MOHAMMAD MOINUDDIN

MOTION TO DISALLOW CLAIM

WILLIAM WHALEN, ESQ.
KAREN A. ROBINSON, of Counsel
Attorney(s) for Debtor
DC 37 Municipal Employees Legal Services
55 Water Street - 23rd Floor
New York, New York 10041
(212) 815-1860

To:

Signature (Rule 130.1.1a)

Attorneys for

KAREN A. ROBINSON

Service of the within is hereby admitted

Dated:

PLEASE TAKE NOTICE:

☐ NOTICE OF ENTRY

That the within is a (certified) true copy of a

Duly entered in the office of the clerk of the within named court on

☐ NOTICE OF SETTLEMENT

That the within satisfaction of judgment/release of which the within is a true original will be presented for to the within named
Court, at

Dated:

Yours, etc.

WILLIAM WHALEN